

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

Kieran Ravi Bhattacharya,)	
Plaintiff,)	Civil Action No. 3:19cv00054
)	
v.)	<u>ORDER</u>
)	
James B. Murray, et al.,)	By: Joel C. Hoppe
Defendants.)	United States Magistrate Judge

This matter is before the Court on motions to quash or modify non-party subpoenas duces tecum that Defendants served on Region Ten Community Services Board, ECF No. 158-1; Metropolitan Psychiatric Services (“MPS”), ECF No. 159-1; and the University of Alabama, ECF No. 161-1. *See* Region Ten Cmty. Servs. Bd.’s Mot. to Quash Subpoena, ECF No. 158; Pl.’s Mot. to Quash MPS Subpoena, ECF No. 159; Pl.’s Mot. & Am. Mot. to Quash Univ. of Ala. Subpoena, ECF Nos. 160, 161. On September 1, 2021, the Court held a hearing at which counsel for the parties appeared by telephone. ECF No. 181. For the reasons stated on the record, it is hereby ordered that:

1. Non-party Region Ten’s motion to quash the subpoena duces tecum served on its custodian of records is DENIED. ECF No. 158. The subpoena seeks Plaintiff’s medical records and other documents that are relevant to the claims and defenses in this case, Fed. R. Civ. P. 26(b)(1), and Region Ten may disclose any otherwise “protected matter” consistent with federal and state law, Fed. R. Civ. P. 45(d)(3)(A)(iii). Particularly sensitive materials shall be subject to the Stipulated Protective Order entered in this case. ECF No. 150.
2. Plaintiff’s motion to quash or modify Defendants’ subpoena duces tecum served on non-party MPS is DENIED. ECF No. 159. The subpoena seeks Plaintiff’s medical records

and other documents that are relevant to the claims and defenses in this case, Fed. R. Civ. P. 26(b)(1), and MPS may disclose any otherwise “protected matter” consistent with federal and state law, Fed. R. Civ. P. 45(d)(3)(A)(iii). Particularly sensitive materials shall be subject to the Stipulated Protective Order.

3. Plaintiff’s first motion to quash or modify Defendants’ subpoena duces tecum served on counsel for the University of Alabama, ECF No. 160, which was filed in error, is terminated as moot. Plaintiff’s amended motion is GRANTED in part. ECF No. 161. The subpoena, ECF No. 161-1, is MODIFIED as follows:

- a. Paragraph (1) is STRICKEN as irrelevant. Fed. R. Civ. P. 26(b)(1). The University of Alabama shall not produce Plaintiff’s undergraduate academic file, or documents related to his “application for admission, financial aid requests, major declaration, faculty advisor assignment, commencement and graduation materials, [or] transcripts.”
- b. Paragraph (2)(a), which seeks documents relating to Plaintiff’s undergraduate student activities and club or organization memberships, is STRICKEN as irrelevant. *Id.* Paragraph (2)(b) seeks nonprivileged materials that are relevant and proportionate to the needs of the case. *Id.* Accordingly, the University of Alabama shall produce all documents related to any “student disciplinary, judiciary, or honor violation, or other misconduct made by or against” Plaintiff while he was an undergraduate student.
- c. Paragraph (3) is STRICKEN as irrelevant. *Id.* The University of Alabama shall not produce documents relating to Plaintiff’s “attendance, conduct, and performance in all classes in which he was enrolled as a student” at the

University. The University of Alabama may produce information concerning the dates of Plaintiff's enrollment, as well as the documented reasons for any gaps in dates of enrollment.

- d. The University of Alabama shall comply with Paragraph (4) as written. *Id.*

Particularly sensitive materials may be designated as "confidential" or "highly confidential" in accordance with the Stipulated Protective Order, ECF No. 150.

- e. The University of Alabama (or other related custodian) shall comply with Paragraph (5) and Paragraph (6) as written. Fed. R. Civ. 26(b)(1), 45(d)(3)(A)(iii).

Particularly sensitive materials shall be subject to the Stipulated Protective Order.

It is so ORDERED.

ENTERED: September 21, 2021

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is fluid and cursive, with the first name "Joel" being more prominent.

Joel C. Hoppe
United States Magistrate Judge